

VIRGINIA EMPLOYMENT COMMISSION
PLAN FOR AGRICULTURAL SERVICES
PROGRAM YEAR 2003

The purpose of this plan is to describe the activities planned for providing services to the agricultural community in Virginia in accordance with 20 CFR 653 and the Workforce Investment Act of 1998 (WIA). The policy of the Commonwealth of Virginia is to assist employers and job seekers through the operation of a basic labor exchange system as described in 20 CFR 652, Subpart A. Services to both agricultural employers and migrant and seasonal farmworkers (MSFWs) are covered in this plan.

Farmworker employers can list job openings with the Virginia Employment Commission (VEC). They may participate in the intrastate or interstate job clearance system as described in 20 CFR 653, Subpart F. If shortages of U.S. workers develop and certain specific conditions are satisfied, agricultural employers may apply for and receive a labor certification for the temporary employment of nonimmigrant foreign workers (H-2A).

MSFWs shall be provided all of the job services consistent with Title I of WIA and their employment preferences, needs, and skills. Specifically, the VEC shall offer to MSFWs the core, intensive, and training services; the benefits and protections, including the full range of counseling, testing, and job referral services as are provided to non-MSFWs. In the electronic environment, specifically trained staff shall be available for direct assistance to farmworkers who are unable to meet their needs through self-service.

Finally, at least one-third of the actual peak number of MSFWs shall be contacted through outreach efforts by selected field office staff.

I. ASSESSMENT OF NEED

An extensive statewide survey of previous and projected agricultural and farmworker activity was conducted by the VEC. The Assessment of Need Data Sheets (see Attachment A) were developed in conjunction with input from field office personnel, farm placement staff, extension agents, WIA 167, and members of numerous other organizations with knowledge of MSFWs. A statewide survey (see Attachment B) was also conducted to estimate the MSFW population. For Program Year 2003 (PY 03), approximately 16,673 MSFWs were estimated in Virginia with a peak of about 14,307. Following are the previous year's agricultural activity and MSFW employment. Projections of major labor intensive crop activity and MSFW availability for the coming year have been indicated by location and crop. Staff training to meet the needs of farmworkers is described at the end of Section IV.

EASTERN SHORE (ONLEY F. O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tomatoes	Mar-Oct	2400	2200	No	Increase	Stable
Cucumbers	Jun-Nov	800	650	No	Decrease	Stable
Potatoes	Jul-Aug	225	175	No	Stable	Stable
Peppers	Apr-Nov	200	150	No	Stable	Stable
Nursery	Feb-Nov	350	250	No	Stable	Stable

NORTHERN NECK (WARSAW F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Grapes	Mar-Sep	190	170	Yes	Stable	Stable
Berries	May-Jul	100	95	Yes	Stable	Decrease
Tomatoes	Mar-Oct	250	240	Yes	Stable	Decrease
Nursery	Feb-Nov	250	240	Yes	Increase	Stable
Melons	Jul-Aug	160	150	Yes	Stable	Decrease
Vegetables	Jun-Nov	450	400	Yes	Increase	Decrease

CENTRAL (ROANOKE F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Aug-Nov	250	125	Yes	Decrease	Stable
Peaches	Jul-Aug	30	20	No	Stable	Stable
Tobacco	Apr-Nov	200	85	Yes	Decrease	Stable

CENTRAL (PETERSBURG F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Melons	Jul-Aug	220	160	No	Stable	Stable
Berries	May-Jul	140	110	Yes	Stable	Stable
Tobacco	May-Nov	230	10	Yes	Stable	Stable
Nursery	Feb-Nov	181	156	No	Increase	Stable
Vegetables	Apr-Nov	223	143	Yes	Stable	Stable
Potatoes	Jul-Aug	90	70	No	Stable	Stable

SHENANDOAH VALLEY (CHARLOTTESVILLE F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Sep-Nov	690	500	Yes	Stable	Stable
Peaches	Jul-Aug	140	125	Yes	Stable	Decrease
Grapes	Aug-Sep	130	80	Yes	Increase	Decrease
Nectarines	Jul-Aug	140	125	Yes	Stable	Decrease
Nursery	Jan-Dec	150	90	Yes	Stable	Decrease

SHENANDOAH VALLEY (WINCHESTER F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Feb-Dec	1575	900	Yes	Stable	Decrease

SOUTHSIDE (SOUTH HILL F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	Feb-Oct	2650	1200	Yes	Decrease	Decrease
Nursery	Feb-Dec	125	85	Yes	Stable	Stable
Vegetables	Apr-Dec	250	150	Yes	Stable	Decrease

SOUTHSIDE (DANVILLE F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Tobacco	Mar-Nov	2000	525	Yes	Decrease	Decrease
Cabbage	Mar-Nov	60	50	Yes	Stable	Stable
Vegetables	Mar-Sep	50	25	Yes	Stable	Decrease
Hay	Apr-Oct	30	20	Yes	Stable	Decrease
Apples	Sep-Oct	40	20	Yes	Stable	Decrease

SOUTHWEST (BRISTOL F.O.)

Crop	Activity Period	Total Employment	MSFW Employment	Labor Shortage	Crop Changes	MSFW Availability
Apples	Oct	200	125	No	Decrease	Stable
Cabbage	Apr-Oct	175	75	Yes	Decrease	Stable
Tobacco	Aug-Dec	925	750	Yes	Decrease	Stable
Trees	Oct-Dec	900	700	Yes	Increase	Stable

II. OUTREACH PLAN

This section of the Virginia Plan for Agricultural Services was prepared in accordance with the federal requirements in 20 CFR Part 653.

A. Assessment of Available Resources:

During PY 03, the agency will use full-time farm placement staff (equivalent positions for outreach indicated) in the field offices of Bristol (.07), Charlottesville (.04), Danville (.22), Onley (.09), Tri-Cities (.08), Warsaw (.10), Roanoke (.01), South Hill (.17), and Winchester (.05). As the season develops, field office staff will conduct outreach activities. At the central office there is no staff specifically assigned for the sole purpose of conducting outreach. However, the State Monitor Advocate, in the course of visits to areas where MSFWs live and work, may conduct significant outreach. Both Onley and Winchester, as MSFW significant field offices, have full-time staff for outreach duties during the peak of the season (see Attachment C). For the 2003 growing season the VEC will maintain the same full-time staffing level used during PY 02. We anticipate no reductions during PY 03 in full-time staff serving MSFWs. To augment the VEC outreach efforts, staff from the State's WIA 167 Grantee, under an interagency cooperative agreement (see Attachment D), will supplement the agency's effort to contact a majority of the 14,307 MSFWs estimated to be in Virginia during the peak of the agricultural season.

B. Numerical Goals:

1. During PY 03, VEC staff plan to contact 4769 MSFWs (one-third of the estimated peak MSFWs in the state) to offer job services. The VEC will make at least five contacts per staff day worked (SDW) or a minimum of 1300 contacts per staff year. Actual VEC minimum staff contacts are computed as follows and listed below by field office:

260 days = 1 staff year.

260 days x 20 contacts per SDW = 5200 contacts per staff year.

0.9 staff years x 5200 contacts per staff year = 4769 VEC contacts for PY 03.

○ Winchester	374	Contacts	12	SDW
○ Tri-Cities	339	Contacts	22	SDW
○ Onley	1557	Contacts	24	SDW
○ Charlottesville	171	Contacts	10	SDW
○ Warsaw	626	Contacts	25	SDW
○ Danville	484	Contacts	57	SDW
○ Roanoke	157	Contacts	3	SDW
○ Bristol	663	Contacts	19	SDW
○ South Hill	393	Contacts	45	SDW

2. The WIA 167 Grantee, under a cooperative agreement, will supplement the VEC outreach with approximately 1,750 MSFW contacts. For PY 03, Telamon Corporation (WIA 167), and any other individual or organization with the proper automated equipment, will be able to find VEC services to MSFWs listed on the agency web site at www.vec.state.va.us and search for employment opportunities which historically were available only in VEC field offices. MSFWs may review these job openings at Telamon Corporation and select prospective positions for which they may be qualified. This technological capability exposes MSFWs to more employment opportunities. When they arrive at VEC field offices, they are much more informed about the labor market and are better prepared to file an employment application.

A total of 6,519 MSFW contacts will be made by both VEC and Telamon Corporation during PY 03.

C. Proposed Outreach Activities (20 CFR 653.107 (i-p))

All VEC staff assigned responsibilities for MSFW outreach use a similar variety of techniques. Personal contact with at least one-third of the estimated peak number of MSFWs (as it develops during the growing season) is the primary outreach technique. Depending on the local circumstances, which include employer and MSFW preferences, outreach contacts may occur in agricultural fields during the work day. However, many MSFWs, especially those working on piece rate, prefer to continue to work rather than stopping to talk with an outreach worker. In that situation, VEC staff meet MSFWs during lunch or after work at their living quarters. During these meetings VEC staff, in a language appropriate for the MSFW, present information on the services available from the field office and use handout materials which are specific for each location. These handouts, in some cases, contain maps in addition to a full listing of various social service agencies, organizations and special groups with an interest in serving MSFW needs. VEC outreach workers may also take complaints from MSFWs. In all cases, outreach contacts are used to explain the benefits of coming into the field office to receive the full range of services available. These services include referrals to agricultural and nonagricultural jobs; information on training and supportive services, as well as testing, counseling, job development services; an explanation of basic farmworker rights; and a full review of the JS Complaint System.

Continuing in PY 03, follow-up will be conducted with all U.S. workers referred by the VEC on H-2A job orders who:

- Did not report for the scheduled interview, or
- Were interviewed but not hired, or
- Were later terminated by the employer.

III. JOB SERVICES PROVIDED TO MSFWs THROUGH THE ONE-STOP DELIVERY SYSTEM

A. Plan for Program Year 2003

The VEC will meet the minimum requirements for providing services to MSFWs as listed in 20 CFR 653.112. As in past years, the VEC will provide equitable services for:

- MSFWs referred to jobs
- MSFWs for whom a service is provided
- MSFWs referred to supportive services
- MSFWs counseled
- MSFWs receiving job development

In addition, as a significant MSFW state, at least four of the seven minimum service level indicators listed below will be accomplished:

MSFWs placed	42.5%
MSFWs placed .50 cents above minimum wage	14.0%
MSFWs placed in long-term non-ag jobs	5.2%
MSFW field offices reviewed	100.0%
Field Checks conducted where JS placements were made	25.0%
MSFWs receiving outreach contact	5 per SDW
Complaints remaining unresolved more than 45 days (Unless pending enforcement agency action or hearing)	<10%

B. Monitoring

Monitoring Virginia Workforce Centers throughout the year for compliance with MSFW regulations will be accomplished by both the State Monitor Advocate, and by the WIA monitoring unit as it develops its the automated capability.

The significant field offices at Winchester and Onley will have an annual in-season on-site review by either the Regional Monitor Advocate, or the State Monitor Advocate, or both together. All other field offices will have desk reviews done monthly using data from the agency automated reporting system, using the format suggested by USDOL: "Virginia MSFW Indicators of Compliance, Qualitatively Equivalent and Quantitatively Proportionate Services: JS Services to Migrant and Seasonal Farmworker Applicants Compared With Services to All Non-MSFWs."

C. Significant MSFW Office Affirmative Action Plan: Onley Field Office

Field Office Service Area Workforce Analysis

A current review of the most recent labor force data for the area served by Onley indicates 20,230 individuals in the civilian labor force (CLF). Whites comprise 62.8% of the population, and minorities comprise 37.2%. An analysis was done to determine the MSFW population that should be included in the work force for affirmative action purposes. The current migrant population is estimated by the field office to be 4230 (Accomack County-2300 and Northampton County-1930). The field office further estimates that 20% of the unduplicated count is equal to full-time presence. Thus, the full-time equivalent for migrant workers is 846 ($4230 \times .20$). With respect to seasonal workers, the field office estimates a population of 570 (Accomack-315 and Northampton-255) with an estimate of 40% to determine full-time presence. This is equal to 228 ($570 \times .40$). The total of the two percentages is 1416 ($846 + 570$). The MSFW estimated population of 1416 plus the CLF number of 20,230 equals 21,646, with MSFWs comprising 6.9% of the labor force.

Field Office Staffing Characteristics:

The Onley field office organizational structure is described below. The office is comprised of a manager, professional staff, and clerical support. The structure of the office is as follows:

Manager- Directs the work of professional and clerical staff engaged in all Job Service (JS), Unemployment (UI), and MSFW activities.

Deputy- Conducts fact-finding interviews with employers and claimants and interprets and applies unemployment insurance laws. Renders nonmonetary determinations of claimants and eligibility for unemployment benefits.

Interviewer- Interviews job seekers and claimants to assist in locating employment and filing claims for unemployment compensation.

Farm Placement Specialist- Provides service to MSFWs. Visits employers to assess current needs, advises on movement of workers, and on child labor, crew leader, and other employment-related laws.

Office Services Specialist- Provides clerical support to the manager and office staff, performing a variety of general clerical and typing functions.

The office has 9 filled positions: one part-time employee and eight full-time staff. The office currently has a vacant position for a full-time Office Manager and a part-time Workforce Services Representative. A job offer has been accepted for the Office Manager position and the individual will start in May 2003.

Recruitment efforts are described in the section below.

The office is 56% minority and 44 % white. Females comprise 67% of the office, and males comprise 33%.

Efforts To Recruit MSFWs For Staff:

During PY 2002, the field office at Onley hired a classified Farm Placement Specialist who is ethnically representative of MSFWs. The selected candidate was working in a wage position as a Farm Placement Specialist in the Onley office. In addition to other qualifications, this individual is fluent in Spanish, which is the language of the predominant farm worker group

An analysis of the field office full-time classified staff by EEO4 job category, based on the Accomack-Northampton labor market area is shown below:

ONLEY FIELD OFFICE UNDERUTILIZATION ANALYSIS

EE04 CATEGORY: B (PROFESSIONALS)

WHITE MALE 1	WHITE FEMALE 2	MINORITY MALE 2	MINORITY FEMALE 1	TOTAL 6
-----MINORITIES-----			-----FEMALES-----	
AVAILABILITY	EMPLOYMENT	UNDERUTILIZATION	AVAILABILITY	EMPLOYMENT
18.1	50.0	0.0	60.1	50.0
			UNDERUTILIZATION	
			10.1	
<i>EMPLOYMENT OBJECTIVES: MINORITIES</i>			<i>FEMALES</i>	
<i>0</i>			<i>0.6</i>	

EE04 CATEGORY: F (OFFICE AND CLERICAL)

WHITE MALE 0	WHITE FEMALE 0	MINORITY MALE 0	MINORITY FEMALE 2	TOTAL 2
-----MINORITIES-----			-----FEMALES-----	
AVAILABILITY	EMPLOYMENT	UNDERUTILIZATION	AVAILABILITY	EMPLOYMENT
21.0	100	0	76.2	100
			UNDERUTILIZATION	
			0.0	
<i>EMPLOYMENT OBJECTIVES: MINORITIES</i>			<i>FEMALES</i>	
<i>0</i>			<i>0</i>	

IV. JOB SERVICES PROVIDED TO AGRICULTURAL EMPLOYERS THROUGH THE ONE-STOP DELIVERY SYSTEM.

A. Data Analysis:

1. Program Year 2001 History

- a. Approximately 8,367 agricultural job openings were received.
- b. Approximately 2,657 agricultural openings were filled.
- c. Approximately 32 percent of the agricultural openings received were filled.
- d. 14 interstate (ARS) order were received from another states.
- e. 58 interstate clearance orders were initiated within the state.

2. Program Year 2003 Plan

- a. Approximately 8,405 agricultural job openings are expected.
- b. Approximately 2,717 agricultural job openings are projected to be filled.
- c. Approximately 33 percent of the agricultural openings received will be filled.
- d. Approximately 14 interstate clearance orders will be received from other states.
- e. Approximately 58 interstate clearance orders will be initiated by Virginia employers.

B. Narrative Description

The VEC maintains a Rural Services Unit with a professional staff located in the central office in Richmond. This unit coordinates all phases of the agency effort to provide job services to agricultural employers. Ten additional VEC farm placement staff are located in nine field offices to serve agricultural employers. Both central office and field office personnel work very closely with the state's major grower associations, the Virginia State Horticultural Society, the Cooperative Extension Service, Virginia Polytechnic Institute and State University, the Farm Bureau, the Virginia Department of Agricultural and Consumer Services, and other interested agencies. One of the objectives of these working relationships is to disseminate information to agricultural employers about the services available from the VEC. With the cooperation of these organizations, the Rural Services Unit conducts farm labor seminars for agricultural employers on a statewide basis. In addition, participants are given information and updates on the following topics:

- Immigration Reform and Control Act (IRCA) of 1986
- Migrant and Seasonal Agricultural Worker Protection Act
- Agricultural Recruitment System (ARS)
- Farm Labor Contractor Registration
- Fair Labor Standards Act (FLSA)
- Child Labor Laws and Pesticide Safety
- Agricultural Alien Labor Certifications (H-2A Program)
- Unemployment Insurance for Agricultural Workers

For PY 03, the Rural Services Unit will conduct several seminars around the state for employers who use temporary agricultural labor. During these meetings, potential agricultural employers are often identified and their need for MSFW labor discussed.

On a more technical level, the VEC uses various procedures to match agricultural employers and farmworkers. During PY 03, the VEC will continue to use its legacy system for matching jobseekers and employers. At the same time, we will be preparing to transition to a wholly Internet based labor exchange system known as the Virginia Workforce Network. This system, which will provide for staff assistance, will also allow both jobseekers and employers to create their own files and find each other. Agricultural job orders, including the H-2A program, may be created by employers with final oversight by central office Rural Service staff. Because the Virginia Workforce Network will be "on-line", we anticipate a much wider dissemination of all agricultural job orders. This increase in access should promote the employment of U.S. workers in Virginia agriculture.

Additional resources include the use of the Agricultural Recruitment System (ARS) for job orders, local and regional circulation of agricultural job orders, close coordination with WIA 167 service providers, and direct contact with grower associations. The VEC has a "Home Page" on the Internet, found at: www.vec.state.va.us. All agricultural jobs listed with the VEC are displayed for public use, and shall be available on CAREER CONNECT at: www.careerconnect.state.va.us. There are also links to America's Job Bank (AJB), WIA 167 agencies, and to other resources to assist farmworkers and agricultural employers. Organizations serving farmworkers may access these sites and make appropriate information available to job seekers.

At the state level, the Governor has formed a board to coordinate overall services to MSFWs. This board, which meets quarterly, brings together most of the groups, organizations, and agencies (including the VEC) which serve the needs of MSFWs. Significant growers also attend or are board members. Within this forum and by way of relationships developed as a result, substantial coordination is provided in order to respond to the local needs of MSFWs.

Virginia is a significant user of H-2A labor. Efforts to increase U.S. worker participation, both by the VEC and other interested organizations, have probably only slowed the historical decline of U.S. workers within the state. The 1989 General Assembly studied the problem of obtaining farm labor in Virginia. This comprehensive review concluded that while the demand for hand-harvested fresh fruits and vegetables has increased, the supply of domestic labor has not kept pace. Many problems were cited including the isolated nature of the jobs, transportation, long hours of work, alternate forms of employment for youth, increased emphasis on continued schooling, and the disappearance in recent years of the teenage farm worker pool.

The result is that while there are U.S. workers available, their numbers seem to be decreasing in Virginia agriculture, and growers are being forced to rely more heavily on the use of foreign workers from the H-2A program.

The General Accounting Office (GAO) published a very significant report titled, H-2A AGRICULTURAL GUESTWORKER PROGRAM, in December 1997. This comprehensive report found that "there appears to be no national agricultural labor shortage now, but localized labor shortages may exist for specific crops or geographical areas." The report went on to state that "an estimated 600,000 farmworkers are not legally authorized to work in the United States." The combination of local labor shortages and the threat of unknowingly hiring illegal farmworkers has driven many agricultural employers even further into the H-2A program.

To counter this trend, the VEC has increased its effort to locate U.S. workers and match them with available agricultural job openings. Success has been achieved in several parts of the state, most notably on the Eastern Shore. But there has been some slippage in the central part of the state with more growers going into the H-2A program over the past year. Nevertheless, statewide an increased emphasis has been placed on field offices for positive recruitment.

Finally, job orders are circulated to numerous groups serving U.S. farmworkers. Posters, newspaper ads, and radio job announcements are used to reach potential applicants. Social service agencies, such as shelters for the homeless, the Salvation Army and Travelers Aid, have been informed of the need for employees in agricultural work. Efforts will continue to seek qualified and interested U.S. workers. The VEC welcomes all feasible suggestions for increasing domestic worker participation in the vital production of native foodstuffs.

Staff training is an on-going process, not a destination. Initial training for new farm placement staff serving in Virginia Workforce Centers has been and will continue to be conducted on outreach, the JS complaint system, MSFW definitions, other regulatory requirements, and the ARS. Additional training for selected staff will be provided through attendance at regional farmworker conferences, at local grower meetings described above, by interaction with farmworker advocacy groups and state labor law enforcement agencies, and by continued contact with and oversight from staff in the central office.

V. OTHER PLAN REQUIREMENTS:

- A. Contingency planning for the loss of the WIA 167 program, for the repeal of the Wagner-Peyser Act, and/or for the consolidation of these programs into a block grant to the State will be initiated upon notification by USDOL of final legislative action and signature by the President. Until such notification is received by the Virginia Workforce Council, and policy guidance promulgated by USDOL, planning for PY 04 is futile, and hence, shall remain in abeyance.
- B. This plan for agricultural services in Virginia was prepared by the State Monitor Advocate. Helpful assistance was also provided by field office managers and especially the farm placement staff who directly serve MSFWs and growers.
- C. In the preparation of this plan, consideration was given to the State Monitor Advocate's recommendations as presented in the annual MSFW summary developed under 20 CFR 653.108(t).
- D. The State Monitor Advocate has been afforded an opportunity to review and comment on the VEC Affirmative Action Plan (AAP). The AAP for the Onley field office is being submitted in accordance with 20 CFR 653.111.
- E. The organizations listed below assisted in the development of this plan and/or were provided a complete copy of it for review and comment:

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